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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Statement of Issues Against:

Case No. 1H 2008 511

ANGELA VANECIA AMOS ELUEZE
8650 Bellford Ave., Apt. No. A213
Los Angeles, CA 90045

STATEMENT OF ISSUES

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs, State of California (Board).

2. On or about August 1, 2008, the Board received an application for a Respiratory Care Practitioner from Angela Vanecia Amos Elueze (Respondent). On or about June 22, 2008, Respondent certified, under penalty of perjury, to the truthfulness of all statements, answers, and representations in the application. The Board denied the application on November 13, 2008.

JURISDICTION

3. This Statement of Issues is brought before the Board under the authority of the following laws of the State of California. Unless otherwise indicated, all section references

are to the Business and Professions Code.

A. Section 3750, in pertinent part, provides:

“The board may order the denial, suspension or revocation of, or the imposition of probationary conditions upon, a license issued under this chapter, for any of the following causes:

“ . . .

“(d) Conviction of a crime that substantially relates to the qualifications, functions, or duties of a respiratory care practitioner. The record of conviction or a certified copy thereof shall be conclusive evidence of the conviction.

“ . . .

“(j) The commission of any fraudulent, dishonest, or corrupt act which is substantially related to the qualifications, functions, or duties of a respiratory care practitioner.

“”

COST RECOVERY

4. Section 3753.5, in pertinent part, provides:

"(a) In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case.

“”

5. Section 3753.7 provides:

"For purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing, and service fees."

6. Section 3753.1 of the Code states:

"(a) An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee-probationer pay the

monetary costs associated with monitoring the probation.”

FIRST CAUSE FOR DENIAL OF APPLICATION

(Criminal Conviction)

7. Respondent's application is subject to denial under Business and Professions Code section 3750, subdivision (d), for having sustained a criminal conviction in that on or about June 16, 1997, in a criminal proceeding entitled *People of the State of California v. Angela Vanecia Amos*, Los Angeles County Superior Court Case Number BA148544, Respondent was convicted by plea of guilty of possessing marijuana or hashish for sale, in violation of Health and Safety Code section 11359, a felony, as follows:

A. On or about September 5, 1996, Respondent was observed mailing two parcels, weighing 5 pounds, 4 ounces and 6 pounds, 1 ounce, respectively, by United States Express Mail. The destination for each parcel was Decatur, Georgia.

B. On or about September 12, 1996, Respondent was observed mailing a parcel, weighing 8 pounds, 4 ounces, by United States Express Mail. The destination for the parcel was Decatur, Georgia.

C. On or about September 18, 1996, Respondent was observed mailing a parcel, weighing 7 pounds, by United States Express Mail. The destination for the parcel was Decatur, Georgia.

D. On or about October 2, 1996, Respondent was observed mailing a parcel, weighing 7 pounds, 6 ounces, by United States Express Mail. The destination for the parcel was Decatur, Georgia.

E. On or about October 7, 1996, Respondent was observed mailing a parcel, weighing 5 pounds, 1 ounces, by United States Express Mail. The destination for the parcel was Decatur, Georgia.

F. On or about December 17, 1996, Respondent was observed mailing a parcel, weighing 3 pounds, 14 ounces, by United States Express Mail. The destination for the parcel was Decatur, Georgia.

G. On or about March 27, 1997, Respondent was observed mailing a

1 parcel, weighing 6 pounds, by United States Express Mail. The destination for the parcel
2 was Decatur, Georgia.

3 H. On or about March 31, 1997, Respondent was observed mailing a
4 parcel, weighing 4 pounds, 14 ounces, by United States Express Mail. The destination
5 for the parcel was Lithonia, Georgia. Pursuant to a search warrant, the parcel was seized
6 and opened. The parcel was found to contain 1754 grams of marijuana.

7 I. On or about April 10, 1997, pursuant to a warrant, a search of
8 Respondent's residence was conducted. During the search, the following items, among
9 others, were recovered:

- 10 1) more than one pound of marijuana
- 11 2) \$2,400
- 12 3) packing materials
- 13 4) fabric softener¹

14 Respondent was arrested and charged with transporting marijuana,
15 a violation of Health and Safety Code section 11360, subdivision (a), a felony.

16 J. On or about April 14, 1997. Criminal Complaint Number
17 BA148544 was filed in the Los Angeles County Municipal Court, charging Respondent
18 with three counts of selling marijuana, in violation of Health and Safety Code section
19 11360, subdivision (a), and four counts of possessing marijuana for sale, in violation of
20 Health and Safety Code section 11359. Respondent pleaded not guilty to all charges.

21 K. On or about April 24, 1997, a preliminary hearing was held.
22 Respondent was held to answer on all charges.

23 L. On or about May 8, 1997, an information charging Respondent
24 with three counts of selling marijuana, in violation of Health and Safety Code section
25 11360, subdivision (a), and four counts of possessing marijuana for sale, in violation of
26 Health and Safety Code section 11359, was filed in the case entitled *People of the State of*
27

28 1. Fabric softener sheets are used to mask the odor of marijuana.

1 *California v. Angela Vanecia Amos*, Los Angeles County Superior Court Case Number
2 BA148544. Respondent pleaded not guilty to all charges.

3 M. On or about June 16, 1997, pursuant to a negotiated plea
4 agreement, Respondent withdrew her not guilty plea to Count 2 of the
5 information—namely, possession of marijuana for sale, a violation of Health and Safety
6 Code section 11359, felony, and entered a plea of guilty. Thereafter, imposition of
7 sentencing was suspended. Respondent was placed on formal probation for three years
8 on the term and condition, among others, that she spend the first 365 days in County Jail.
9 The remaining counts were dismissed in the interests of justice.

10 **SECOND CAUSE FOR DENIAL OF APPLICATION**

11 **(Dishonest or Corrupt Act)**

12 8. Respondent's application is subject to denial under Business and
13 Professions Code section 3750, subdivision (j), for having committed a dishonest or corrupt act
14 substantially related to the qualifications, functions, or duties of a respiratory care practitioner in
15 that on or about June 16, 1997, as follows: in a criminal proceeding entitled *People of the State*
16 *of California v. Angela Vanecia Amos* in Los Angeles County Superior Court, Case Number
17 BA148544, Respondent was convicted by plea of guilty in Health and Safety Code section 11359
18 a felony, as follows:

19 A. Complainant refers to and, by this reference, incorporates herein
20 paragraph 7, above, as though fully set forth.

21 B. Selling marijuana is a dishonest act substantially related to the
22 qualifications, functions, or duties of a respiratory care practitioner.
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1 **PRAYER**

2 **WHEREFORE**, Complainant requests that a hearing be held on the matters
3 herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

4 1. Denying the application of Angela Vanecia Amos Elueze for a Respiratory
5 Care Practitioner;

6 2. Directing Angela Vanecia Amos Elueze to pay the Respiratory Care Board
7 of California the costs of the investigation and enforcement of this case, and if placed on
8 probation, the costs of probation monitoring; and,

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: April 6, 2009

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13 Original signed by Colleen Whitestine for:
14 STEPHANIE NUNEZ
15 Executive Officer
16 Respiratory Care Board of California
17 Department of Consumer Affairs
18 State of California
19 Complainant

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